

## **Questions and Request for Clarifications regarding the US Route 460 Corridor Improvements Project**

### **Answers and Clarifications Issued March 31, 2006**

*Below please find questions and requests for clarifications that were submitted to VDOT on or before March 16, 2006. In some limited instances, submissions have been edited for formatting purposes. Each question and answer is numbered. VDOT has made every effort to answer each question as fully as possible. In the event that any answer listed below conflicts in any way with any relevant statute, the Implementation Guidelines, VDOT policy or the requirements of the Solicitation for Proposals (SFP), the statute, Implementation Guidelines, VDOT policy or the requirements of the SFP shall be controlling.*

**Question 1:** The Draft Environmental Impact Statement (“DEIS”) found as part of the Location Study referenced in the Solicitation for Proposals (“SFP”), has a list of Appendices that are not found online. Is it possible to obtain an electronic copy of these Appendices?

**Answer 1:** VDOT is working to create an electronic version of the Appendices for the DEIS. VDOT will post on this website either a link to the electronic version of the Appendices or a method for acquiring an electronic version of the Appendices. This posting will be made available by the second week of April, 2006. Please check this website location during the second week of April, 2006 for further information on the availability of the Appendices to the DEIS.

**Question 2:** Are there any publicly available Schematic Plans regarding preferred alignment CBA 1?

**Answer 2:** No plans have been developed at this point in the development of the project.

**Question 3:** Is there any geotechnical information available?

**Answer 3:** Yes, historic geotechnical information is available in the district office files. The VDOT Point of Contact will determine what type of information is available, and subsequently will post on the VDOT project web site a notice of how to obtain such information.

**Question 4:** As of today, March 16, 2006, what is the expected signoff date of the Final Environmental Impact Statement (“FEIS”) in progress? What is the time period between the signoff of the FEIS and the signoff of the Record of Decision (“ROD”) ? Can the Offeror expect significant changes between the currently available DEIS and the FEIS?

**Answer 4:** The expected signoff date of the FEIS is August, 2006. There is about a two month time period between the signoff of the FEIS and the signoff of the ROD. VDOT does not expect any significant changes between the currently available DEIS and the FEIS.

**Question 5:** Does the Administration only expect from the Offeror Right-of-Way (ROW) acquisition services?

**Answer 5:** No. The Offeror should describe the role of each entity, public and private, in *all aspects* of the development and operation of the project. As indicated in Section 5.4.3 of the SFP, the Offeror should fully describe any work to be performed by VDOT or other public or private entities, specifically, *but not limited to*, the acquisition of right-of-way necessary for the project.

**Question 6:** What are the SFP requirements regarding the Passenger Rail Alignments as mentioned in Section 3.2 of the SFP?

**Answer 6:** There are no *requirements* regarding passenger rail alignments for this project. Section 3.2 is included in the SFP for informational purposes only.

**Question 7:** Does the Offeror have full flexibility to define and propose a Toll collection system and technology consisting of Electronic and/or Manual Toll Collection?

**Answer 7:** VDOT has issued an addendum adding the following sentence to Section 5.5.8 which states, “Any new facility on which a toll would be implemented would require the installation of toll equipment compatible with VDOT’s existing electronic toll collection system.”

**Question 8:** Does the Offeror have full flexibility to define and propose a toll plaza location plan?

**Answer 8:** Yes. Offerors should be aware, however, of the project information (i.e. roadway alignments, typical sections, interchange locations) contained in the DEIS and, ultimately, the FEIS and the ROD. Offerors may submit proposals which vary with existing approvals, provided that the proposal, in accordance with Section 5.4.4, includes “a list of all federal, state and local permits and approvals required for the project, a schedule for obtaining such permits and approvals, and how any regulatory issues will be addressed.”

**Question 9:** Section 4.4.5 of the SFP states that an Offeror’s “offer represented by the

conceptual proposal will remain in full force and effect until such time as a Comprehensive Agreement shall be signed by VDOT and the selected Offeror”. Is the above mentioned requirement requesting a binding proposal during the Conceptual Proposal Stage of the US Route 460 procurement process?

**Answer 9:** The Offeror is not expected to make a binding price proposal as part of the conceptual proposal. VDOT anticipates that conceptual proposals may be modified subsequent to more detailed analysis or in specific response to a request for clarifications or VDOT’s Request for Detailed Proposals. The Offeror may not make changes to the conceptual proposal without notice to VDOT and approval by the VDOT Point of Contact.

**Question 10:** Section 4.4.5 of the SFP states that an Offeror’s “offer represented by the conceptual proposal will remain in full force and effect until such time as a Comprehensive Agreement shall be signed by VDOT and the selected Offeror”. Is this statement applicable to only Detailed Proposals as per Phase 4 of the PPTA Implementation Guidelines?

**Answer 10:** The Offeror is not expected to make a binding price proposal as part of the conceptual proposal. VDOT anticipates that conceptual proposals may be modified subsequent to more detailed analysis or in specific response to a request for clarifications or VDOT’s Request for Detailed Proposals. The Offeror may not make changes to the conceptual proposal without notice to VDOT and approval by the VDOT Point of Contact.

Offerors should be aware that Section 5.1.4 of the Implementation Guidelines, entitled *Phase Four: Submission and Selection of Detailed Proposal*, provides that after review of the *conceptual* proposals, VDOT may proceed directly from the Oversight Board recommendation to the negotiation phase in certain cases and where specific criteria are met. If VDOT chose to proceed directly to Phase Four, then VDOT would expect the representations discussed in the conceptual proposals to be the basis for negotiations.

**Question 11:** It is important to notice that potential offerors may see the possibility of modifying the conceptual proposal, in case of moving forward to a Detailed Proposal Stage, after performing more detailed analysis. Can the Offeror modify the conceptual proposal, as presented to respond to this SFP, after more detailed analysis is performed?

**Answer 11:** The Offeror is not expected to make a binding price proposal as part of the conceptual proposal. VDOT anticipates that conceptual proposals may be modified subsequent to more detailed analysis or in specific response to a request for clarifications or VDOT’s Request for Detailed Proposals. The Offeror may not make changes to the conceptual proposal without notice to VDOT and approval by the VDOT Point of Contact.

**Question 12:** Can the Offeror leave the procurement process if more detailed analysis reflects this project as unfeasible to the Offeror?

**Answer 12:** Yes. Offerors are free to withdraw from the procurement process at any time upon written notice to VDOT.

**Question 13:** Section 5.3.7 of the SFP requires a safety record for lead construction partners and subcontractors. Would the Administration consider compliance with this requirement if international safety records were presented?

**Answer 13:** Offerors should comply with the specific requirements of Section 5.3.7 *where possible*. Where compliance with the specific requirements of Section 5.3.7 is not practical, offerors should provide equivalent safety information with a discussion of why such information has been substituted in place of the specific information required.

As indicated in Section 8.1.17, VDOT reserves the right “to waive deficiencies, informalities and irregularities in a proposal, accept and review a non-conforming proposal or seek clarifications or supplements to a proposal.”

**Question 14:** Section 5.3.7 of the SFP requires a safety record for lead construction partners and subcontractors. Does the Administration expect compliance with this requirement during the Conceptual or Detailed Proposal Stage?

**Answer 14:** VDOT expects compliance with this requirement during the conceptual proposal stage.

**Question 15:** Section 5.3.8 of the SFP requires a written commitment to joint and several liability and adequate evidence of parent company guarantees. Does the written commitment to joint and several liability requested refer to commitment among offering team members or does it refer to commitment between the offering entity and its parent company?

**Answer 15:** The written commitment to joint and several liability refers to team members.

**Question 16:** Does the Administration expect to receive evidence of parent company guarantees for this project?

**Answer 16:** Yes.

**Question 17:** Does VDOT envision the issue of the Solicitation for Detailed Proposals earlier than July 2007?

**Answer 17:** Section 2.2 contains the schedule for conducting the procurement for this project. The schedule is based on the maximum time required for each step of the procurement process as described in the Implementation Guidelines. As indicated in Section 2.2, VDOT reserves the right to modify the schedule as it finds necessary. If the maximum time required for each step of the procurement process prior to the issuance of a Solicitation for Detailed Proposals is not required, VDOT may issue such solicitation prior to July 2007.

**Question 18:** Does VDOT have traffic data for each segment of Candidate Build Alternative (CBA) 1 and, if so, will VDOT make that information public?

**Answer 18:** VDOT has included traffic data provided by the Virginia Port Authority in the SFP. The Location Study and DEIS also contain traffic data and a link to the Location Study is in Section 9.5 of the SFP. The DEIS is available on-line at <http://www.virginiadot.org/projects/460-deis-fulllist.asp>.

Requests for specific information should be submitted via the comments section of the U.S. Route 460 Project website located at <http://www.virginiadot.org/projects/460-deis-fulllist.asp> or made in writing to VDOT's Point of Contact listed in Section 2.3 of the SFP. VDOT will provide any information which is public and will provide that information in accordance with the relevant statutes governing such requests, including but not necessarily limited to, the Virginia Freedom of Information Act.

**Question 19:** Will VDOT establish an electronic data room where project plans and information is made available to potential offerors?

**Answer 19:** VDOT is currently researching the concept and use of an electronic data room. If a decision is made to initiate an electronic data room all offerors included in the evaluation process will be given access to the data room.

**Question 20:** To what extent is VDOT requiring that an offeror receive support from each community along the project corridor?

**Answer 20:** In accordance with §56-563 of the Public-Private Transportation Act (PPTA), a copy of each offeror's proposal will be provided to each effected jurisdiction. Upon completion of its quality control review, VDOT will submit each proposal to the effected jurisdictions. In accordance with the PPTA, each effected local jurisdiction will have 60 days in which to provide comments on each proposal. These comments will be submitted to the Independent Review Panel (IRP). The IRP will consider the comments during the evaluation of the proposals.

In addition, Section 5.6 of the SFP requires offerors to describe any known public support or opposition to the project as well as provide an explanation of the strategy proposed to involve and inform the public along the project corridor.

VDOT has also indicated in its list of priorities that each “proposal should demonstrate a commitment to maximum cooperation with local governments throughout the project corridor.”